

NO. 05-18-01133-CR

STATE OF TEXAS

VS.

ROBERT EARL HARRELL, JR.

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FILED IN
5th COURT OF APPEALS
DALLAS, TEXAS
12/14/2018 10:33:36 AM
LISA MATZ
Clerk
IN THE
FIFTH COURT
OF APPEALS

MOTION TO EXTEND TIME TO FILE APPELLANT'S BRIEF

TO THE HONORABLE JUSTICES OF SAID COURT:

Now comes Robert Earl Harrell, Jr., Appellant in the above styled and numbered cause, and moves this Court to grant an extension of time to file appellant's brief, under Rule 38.6 of the Texas Rules of Appellate Procedure, and for good cause shows:

1. This case is on appeal from the County Court at Law Number 1 of Grayson County, Texas.
2. The case below was styled the *STATE OF TEXAS vs. Robert Earl Harrell, Jr.*, and numbered 2017-1-0644.
3. Appellant was convicted of Driving While Intoxicated (Second).
4. Appellant was assessed a sentence of 365 Days in County Jail, Probated for Two Years, and a fine of \$1,000.00 on September 27, 2018.
5. Notice of appeal was given on September 27, 2018.
6. The clerk's record was filed on October 10, 2018; the reporter's record

was filed on November 16, 2018.

7. The Appellant's brief is due on December 16, 2018.

8. Appellant requests an extension of 30 days from that date--January 15, 2018--to file his brief.

9. No previous extension to file the brief has been requested or received in this cause.

10. Defendant is free on bond, and approves of this request.

11. Appellant relies on these facts as good cause for the requested extension:

(a) The undersigned attorney, Steven Miears, was recently associated as co-counsel on this case on December 11, 2018. After review of the record, it was determined that a copy of the video and audio exhibits were necessary to obtain from the reporter to prepare the brief. Those exhibits were prepared by the reporter and obtained by counsel on December 12, 2018.

(b) In addition, associate counsel has been unable to complete the review of the record to prepare the brief because of preparation for trial in the capital murder case of *State of Texas v. Delvin Powell*, 199th - 83998-2017.

WHEREFORE, PREMISES CONSIDERED, Appellant prays this Court grant this Motion To Extend Time to File Appellant's Brief, and for such other and further relief as the Court may deem appropriate.

Respectfully submitted,
/s/ Steve Mears

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CERTIFICATE OF CONFERENCE

On December 14, 2018, a conference with Ms. Karla Baugh Hackett was had, and she advised that she has no objection to this extension request.

/s/ Steve Mears

Steven R. Mears

CERTIFICATE OF SERVICE

A copy of the foregoing motion has been served on counsels for the Appellee, the District Attorney of Grayson County, Texas, J. Brett Smith and Assistant District Attorney, Ms. KARLA BAUGH HACKETT, 200 S. Crockett, Suite 116A, Sherman, Texas 75090 by e-filing to their registered email addresses, and to Appellant's lead counsel, Mr. John Hunter Smith, by e-filing to his registered email address.

/s/ Steve Mears

Steven R. Mears